

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: PV Ranch Company LLC  
%DMS Natural Resources  
602 S Ferguson Ave Ste 2  
Bozeman, MT 59718-6483
2. Type of action: Change Application for Additional Stock Tanks 42KJ 30155955 (permanent) and 42KJ 30160403 (temporary)
3. Water source name: Groundwater, Well
4. Location affected by project: Section 2, T8N, R32E, Treasure County, Sections 5, 6, and 9, T8N, R33E, Treasure County, Sections 13, 15, 21, 22, 23, 24, 25, 27, 34, and 36, T9N, R32E, Rosebud County, and Sections 19, 30, and 31, T9N, R33E, Rosebud County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Groundwater Certificate 42KJ 68097-00 is for stock use from a well located in the SENENW Section 24, T9N, R32E, Rosebud County. This well is connected to a pipeline system which supplies water to livestock. The Applicant proposes to permanently add 22 stock tanks and a hydrant associated with 20 places of use to water right 42KJ 68097-00 through change application 42KJ 30155955. The historical place of use in SENENW Section 24, T9N, R32E will remain. The Applicant proposes to temporarily add 3 stock tanks in Section 36, T9N, R32E, Rosebud County, through change application 42KJ 30160403. The proposed tanks in Section 36, T9N, R32E are located on property owned by the State of Montana Trust Lands Management Division and leased by the Applicant. The temporary change to add these places of use to water right 42KJ 68097-00 will be for the term of this lease and must be renewed when the lease expires in order for the Applicant to continue using this place of use. Agricultural and Grazing Lease No. 790 took effect March 1, 2020, for a term of 10 years with an expiration date of February 28, 2030. In the instance temporary change authorization 42KJ 30160403 is not renewed, expires, or is terminated, Groundwater Certificate 42KJ 68097-00 will be used in accordance with the terms set forth in permanent change authorization No. 42KJ 30155955. Float/shut off valves will be used to control flow to the tanks. The proposed additional places of use are listed in the table below. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

	Quarter Sections	Govt Lot	Section	Township	Range	County
--	------------------	----------	---------	----------	-------	--------

1	NWNENE	1	2	8N	32E	Treasure
2	SWSWNE		5	8N	33E	Treasure
3	NESWNE		6	8N	33E	Treasure
4	SWNWNW		9	8N	33E	Treasure
5	SWSESW		13	9N	32E	Rosebud
6	NESWSE		15	9N	32E	Rosebud
7	NENESW		21	9N	32E	Rosebud
8	NENESW		22	9N	32E	Rosebud
9	NENENE		23	9N	32E	Rosebud
10	NWNENW (2 tanks, 1 hydrant)		24	9N	32E	Rosebud
11	NENWNW		24	9N	32E	Rosebud
12	SENWSE		24	9N	32E	Rosebud
13	NESESE		25	9N	32E	Rosebud
14	SWNENE		27	9N	32E	Rosebud
15	NENWSW		27	9N	32E	Rosebud
16	NESWNE		34	9N	32E	Rosebud
17	SWSENW		34	9N	32E	Rosebud
18	SWSWNW (temporary)		36	9N	32E	Rosebud
19	NWNESE (temporary)		36	9N	32E	Rosebud
20	SWNWSW (temporary)		36	9N	32E	Rosebud
21	SWSENW		19	9N	33E	Rosebud
22	NWSENW		30	9N	33E	Rosebud
23	NWNWNE (2 tanks)		31	9N	33E	Rosebud

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)  
Montana Department of Natural Resources and Conservation  
Montana Department of Fish, Wildlife, and Parks  
Montana Department of Environmental Quality  
Montana Sage Grouse Habitat Conservation Program  
Montana Natural Heritage Program  
United States Natural Resource Conservation Service  
United State Fish and Wildlife Service

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

#### **PHYSICAL ENVIRONMENT**

#### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** – The water source is a well that has been in use since 1988. The proposed use will not increase the flow rate or volume of water already appropriated through Groundwater Certificate 42KJ 68097-00 and will have no effect on water quantity.

*Determination:* No significant impact

**Water quality** –The proposed plan to add stock tanks will not impair groundwater quality.

*Determination:* No significant impact

**Groundwater** – The addition of stock tanks to this existing use of a well will not have an impact on groundwater. The herd size will not increase under the proposed change. Neither the flow rate nor the volume will increase. There will be no change in the rate or timing of stock use. Only the place of use will change due to the addition of stock tanks. Water will be conveyed to the additional stock tanks through a pipeline so there will be no conveyance losses. The Applicant proposes to equip each stock tank with float/shut-off valves to control flow to the tanks.

*Determination:* No significant impact

**DIVERSION WORKS** - The system consists of a stock well, completed in May 1988. The well and original stock tank are located in the SENENW Section 24, T9N, R32E, Rosebud County. Originally, a pump with a flow rate up to 15 GPM was utilized to divert water from the well. The pump has been temporarily replaced with a 2 HP Franklin motor with a 10 GPM flow rate. The Applicant proposes to replace the pump currently in use with a 15 GPM pump to resume the historically utilized flow rate. 15 GPM adequately serves the pipeline system which has operated well over the years using this flow rate. From the well, water is pumped into the pipeline and storage tank system. The majority of the stock watering system was installed between 1988 and 1996 with additional tanks added between 1996 and 2009. The Applicant proposes to build a new segment of pipeline to supply 2 stock tanks in the NWNWNE of Section 31, T9N, R33E. There are two storage tanks within the pipeline system; a 12,000-gallon underground storage tank in the SWSWSW Section 14, T9N, R32E and a 20,000-gallon underground storage tank in the SENWSE Section 36, T9N, R32E. The pipeline consists of 1.25-inch PVC and is trenched approximately 4.5 to 5 feet below ground, except for the segment between the tank in the SWSWNE Section 34, T9N, R32E and the tank in the NWNENE Section 2, T8N, R32E where the pipeline is trenched 2 feet below ground. Valves and curb stops are installed to control flow to each spur line. All stock tanks are equipped with float shutoff mechanisms. With the exception of the new segment proposed to serve 2 tanks in Section 31, T9N, R33E, the pipeline system is already constructed and operational.

*Determination:* No significant impact

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** – According to the Montana Natural Heritage Program, there are 7 animal species of concern in the proposed project area. Animal species of concern include Black-tailed Prairie Dog, Hoary Bat, Long-eared Myotis, Little Brown Myotis, Golden Eagle, Greater Sage Grouse, and Great Plains Toad. The Bald Eagle is a special status species in the project area. The Montana Natural Heritage Program lists one plant species of concern or potential species of concern in the project area: Scribners Ragwort. According to the Montana

Sage Grouse Habitat Conservation Map, this project is within sage grouse habit. The project is consistent with the Montana Sage Grouse Conservation Strategy according to a letter from Carolyn Sime, Program Manager, dated June 26, 2019. The proposed project is consistent with the current stock use of land in the area and is not likely to impact threatened or endangered species or create barriers to migration or movement of fish or wildlife.

*Determination:* No significant impact

**Wetlands** –The additional stock tanks for this project are not located within the areas identified as wetlands by US Fish and Wildlife Service National Wetlands Inventory.

*Determination:* No significant impact

**Ponds** – There are no ponds associated with the proposed project.

*Determination:* No impact

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** – This stock watering system covers a broad area in Treasure County T8N, R32E and T8N, R33E, and in Rosebud County in T9N, R32E and T9N, R33E. The system consists of approximately 15 miles of pipeline and 26 stock tanks and one hydrant. According to the USDA Natural Resources Conservation Service, there is a wide range of soil types in the project area including loams, silty clay loams, sandy loams, clays, including Delpoint-Yamacall-Cabbart loams, Lonna silt loams, and Bonfri-Beenom-Cabbart loams. The addition of stock tanks on these soils is unlikely to cause significant impact on soil quality or stability.

*Determination:* No significant impact.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** – Existing vegetative cover in the area is rangeland. The addition of stock tanks will improve range management. The installation of pipelines and tanks may contribute to the establishment and spread of noxious weeds. It is the responsibility of the property owner to monitor for and implement measures for noxious weed control.

*Determination:* No significant impact

**AIR QUALITY** – The use of water from a well for stock purposes will not impact air quality.

*Determination:* No impact

**HISTORICAL AND ARCHEOLOGICAL SITES** – The proposed tanks in Section 36, T9N, R32E are on property owned by the State of Montana Trust Lands Management Division and leased by the Applicant. This place of use is being added through a temporary change in appropriation right to use the lessee's water right on school trust land for the duration of State Lease 790 pursuant to §85-2-407 and -441, MCA. Patrick Rennie, DNRC staff archaeologist, indicated that a Class I (literature review) level review was conducted for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plants and control cards. No cultural or paleontological resources were

identified. The rest of the pipeline project is not located on State or Federal Lands so no additional review of the historical and archaeological sites is required.

*Determination:* No impact

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - No additional demands on environmental resources are recognized.

*Determination:* No impact

## **HUMAN ENVIRONMENT**

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** – There are no known locally adopted environmental plans or goals.

*Determination:* Not applicable

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** – The proposed project is located on privately owned and leased agricultural land. The project will not impact access to recreational or wilderness activities.

*Determination:* No impact

**HUMAN HEALTH** – No impacts to human health have been identified for the proposed addition of stock tanks to an existing stock water right on a well.

*Determination:* No impact

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes\_\_\_ No\_x\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* No impact

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

(a) Cultural uniqueness and diversity? No significant impact

(b) Local and state tax base and tax revenues? No significant impact

- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts are recognized

Cumulative Impacts: No cumulative impacts are recognized

**3. *Describe any mitigation/stipulation measures:*** None

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The alternative to the proposed project is the no action alternative. The no action alternative prevents the property owner from improving efficiency of the watering system and improving range management practices. The no action alternative does not prevent or mitigate any significant environmental impacts.

**PART III. Conclusion**

**1. *Preferred Alternative:*** Issue the change authorization if the applicant proves the criteria in 85-2-402 MCA are met.

**2 *Comments and Responses:*** None

**3. *Finding:***

Yes\_\_\_ No\_x\_ Based on the significance criteria evaluated in this EA, is an EIS required?

There are no significant impacts associated with the project so an environmental assessment is the appropriate level of analysis.

Name of person(s) responsible for preparation of EA:

*Name:* Jill Lippard  
*Title:* Water Resource Specialist  
*Date:* 06/12/2023